

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt.: 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:

All Actions

**THE PLAINTIFFS' STEERING COMMITTEE'S REPLY
TO THE CREDITORS' COMMITTEE'S OBJECTION**

We know “no good deed goes unpunished.” But so quickly? And in so many words?

In an effort to conserve judicial and estate resources, the Plaintiffs’ Steering Committee agreed to include the Creditors’ Committee in negotiating the proposed case management order. The Plaintiffs’ Steering Committee has also agreed to work with the Creditors’ Committee to try to initiate resolutions with unaffiliated defendants through bankruptcy channels (*i.e.*, settlements that involve non-debtor bankruptcy releases or channeling injunctions issued by the bankruptcy court). Neither agreement changes the fact that this Court gave the Plaintiffs’ Steering Committee and Lead Counsel the power to negotiate and pursue all settlement options.¹

We continue our efforts to work with the lawyers who represent members of the Creditors’ Committee. Nothing more need be said.

¹ MDL Order No. 2: Order Appointing Lead Counsel, Federal-State Liaison Counsel, and Plaintiffs’ Steering Committee dated April 9, 2013, *In Re: New England Compounding Pharmacy, Inc. Products Liability Litigation* [Dkt. No. 82]. The order provides for the involvement of Lead Counsel “in any class or group settlement discussions, whether with a single defendant or multiple defendants, whether taking place in the MDL or the bankruptcy.” (*Id.* at §7). The order also provides that the Plaintiffs’ Steering Committee shall have authority “to negotiate and propose settlement of cases on behalf of plaintiffs or plaintiff groups, including exploring and, where appropriate, pursuing all settlement options concerning any claim or portion thereof of any case filed in this litigation.” (*Id.* at §9(D)(1)).

Dated: June 19, 2013

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: June 19, 2013

/s/ Thomas M. Sobol
Thomas M. Sobol, BBO # 471770